



COUNCIL MINUTES

October 20, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 20, 2008 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by President Terry D. Turk, Mesa East Stake of The Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance was led by Councilmember Higgins.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the October 6 and 9, 2008 Council meetings.

3. Discuss, take public comment and take action on the following Minor General Plan Amendment:

3a. Public Hearing on Minor General Plan Amendment **GPMinor08-10 (District 5)**

Mayor Smith announced that this is the time and place for a public hearing on Minor General Plan Amendment **GPMinor08-10**.

There being no citizens present wishing to speak on this item, the Mayor declared the public hearing closed.

3b. Take action on the following resolution:

GPMinor08-10 (District 5) 235 North Ellsworth Road. Located south of University Drive on the east side Ellsworth Road (8.6+ acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Medium Density Residential 4-6 du/acre (MDR 4-6) to High Density Residential 15+ du/acre (HDR 15+). Uebel Family Trust/Jack and Susan Kantor Living Trust, owner; Ralph Pew; Pew and Lake, PLC, applicant – Resolution No. 9376. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Adoption. (Vote: 6-0-1 with Boardmember Perkinson absent.)

It was moved by Councilmember Higgins, seconded by Councilmember Somers, that Resolution No. 9376 be adopted.

Carried unanimously.

4. Take action on the following liquor license applications:

*4a. Boys & Girls Clubs of Greater Scottsdale

This is a one day charitable event to be held on November 22, 2008 from 12:00 p.m. to 9:00 p.m. at Mesa Hohokam Stadium, 1235 North Center Street. **(District 1)**

*4b. Cactus Ranch House Grill

New Restaurant License for Cactus Ranch House Grill, 233 North Val Vista Drive, Cal-Am Properties Inc. – Joseph A. Turley, Agent. This is an existing building with no previous liquor license at this location. **(District 2)**

5. Take action on the following contracts:

*5a. Purchase of a Solid Phase Extraction and Concentrator System for the Police Department. **(Single Bid)**

The Procurement Services Department recommends authorizing purchase from the single bid submitted by Speware Corp. at \$43,665.60, including applicable use tax.

- *5b. Three-Year Supply Contract for Helicopter Airframe Parts & Repairs for the Police Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Seaside Helicopters, Inc. at \$422,400 annually, including applicable use tax, based on estimated requirements.

- *5c. Purchase and Installation of Carpeting at Various City Facilities for the Facilities Maintenance Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Continental Flooring Company at \$60,440.52, including applicable sales tax.

- *5d. Painting of Various City Facilities for the Facilities Maintenance Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Larkin Painting Contractors, Inc. at \$185,119.66, including applicable sales tax.

- *5e. Additional Purchase of Fire System Water Meters and Backflow Assemblies for the Utilities Department, Water Division.

The Procurement Services Department recommends authorizing an additional purchase from the current contract with Badger Meter Inc. in the amount of \$144,724.80 and Backflow Apparatus & Valve Co., dba BAVCO, in the amount of \$57,113.76, for a total of \$201,838.56, including applicable use tax. Funding is available in the FY 08/09 Capital Program.

- *5f. Three-Year Supply Contract for Replacement Playground Equipment and Parts for the Parks, Recreation and Commercial Facilities Department. **(Single Bid)**

The Procurement Services Department recommends awarding the contract to the single bid from Dave Bang Associates, Inc. at \$89,465.40 annually, including contingencies and applicable sales tax.

- *5g. Purchase of a Liquid Chromatograph/Mass Spectrometer System for the Police Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Agilent Technologies, Inc. at \$279,544.11, including applicable use tax.

- *5h. Arizona Museum of Natural History, Paleontology Lab Ventilation Project, 34 North Macdonald Street, City of Mesa Project No. 07-015-001. **(District 4)**

This project will furnish and install a new heating, ventilation and air conditioning (HVAC) system for the Arizona Museum of Natural History Paleontology Laboratory.

Recommend award to the low bidder, J.E. Bowen, in the amount of \$56,700.00 plus an additional \$5,670.00 (10% allowance for change orders) for a total award of \$62,370.00. Funding is available in the FY 08/09 Capital Program.

- *5i. 2008/2009 Crack Sealing Project, City of Mesa Project No. 08-902-001.

This project will provide crack sealing (approximately 2,615,438 square yards) on various streets throughout the City that require maintenance to prevent water from penetrating into the subgrade below the pavement.

Recommend award to the low bidder, CPC Construction, in the amount of \$786,300.00 plus an additional \$78,630.00 (10% allowance for change orders) for a total award of \$864,930.00. Funding is available from the approved FY 08/09 Transportation Operations Budget.

6. Take action on the following resolutions:

- *6a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between CMC Steel Fabricators, Inc. and the City of Mesa, for the reimbursement of \$423,901.45 for regional street and streetlighting improvements that are being required by Mesa in conjunction with a proposed commercial development known as CMC Steel located at 11444 East Germann Road. Mesa's share of funding for the improvements is budgeted in FY 2008/2009 – Resolution No. 9367. **(District 6)**
- 6b. Granting two High Voltage Easements to Salt River Project on City-owned property in Pinal County – Resolution No. 9377.

These easements are needed for the Pinal West to Southeast Valley/Browning 500kV Project as approved by the Arizona Corporation Commission.

Councilmember Finter declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that Resolution No. 9377 be adopted.

Upon tabulation of votes, it showed:

AYES – Smith-Higgins-Jones-Kavanaugh-Richins-Somers
ABSTAIN – Finter

Mayor Smith declared the motion carried unanimously by those voting and Resolution No. 9377 adopted.

- *6c. Approving and authorizing the City Manager to execute an Addendum to Installation and Use Agreement and an Agreement for Encroachment with Solfocus, Inc. regarding expansion of a demonstration solar electricity installation to be located on the grounds of the City Water Treatment Plant located at 7750 East Brown Road – Resolution No. 9368. **(District 5)**
- *6d. Approving and authorizing the City Manager to execute documents to transfer the ownership of nine HOME Program acquired properties to A.R.M. (Affordable Rental Movement) of Save the Family. The properties are located at 5135 East Evergreen, 521 North Norfolk, 637 North Cherry Street, 102 East Indigo Street, 915 South Olive, 1465 East 2nd Avenue, 1635 West Carol, 2617 East Billings and 225 North Standage, # 64 – Resolution No. 9369.
- *6e. Approving and authorizing the City Manager to execute documents to transfer the ownership of one CDBG Program acquired property (661 North Cherry Street) to A.R.M. (Affordable Rental Movement) of Save the Family – Resolution No. 9370.
- *6f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Arizona Department of Health Services (AZDHS) for reimbursement to provide childhood immunizations – Resolution No. 9371.
- *6g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County and the City of Mesa for the FY 2008/2009 Special Transportation Services (STS). Funding in the amount of \$100,000 is available from Quality of Life funds – Resolution No. 9372.
- *6h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa to define the parameters of implementing the Main Street Bus Rapid Transit project, including reimbursement of costs associated with City activities – Resolution No. 9373.
- *6i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa County Community College District (MCCCD) for the purpose of continuing to offer Mesa Community College art classes at the Mesa Arts Center – Resolution No. 9374.
- *6j. Authorizing the sale of a 50-acre parcel in Pinal County in the amount of \$2,500,000 – Resolution No. 9375.

7. Introduction of the following ordinances and setting November 3, 2008, as the date of the public hearing on these ordinances:

- *7a. Amending the Mesa City Code by adding Title 12, Chapter 1 establishing general regulations relating to public transit vehicles necessary for the introduction of light rail transit service in the City.
- *7b. **Z08-56 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road

between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from R1-43 to Planned Community District (PCD). This request will establish a Community Plan for a Mixed Use Community. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner/applicant. ***(Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0-2 with Boardmembers Coons and Salas absent).

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on.

*8a. Amending various sections of the Mesa City Code regarding the following traffic modifications: – Ordinance No. 4886

Prohibiting Left Turns From Driveways: 10-3-15 (B)

On the west side of Red Mountain with centerline approximately 65 feet north of Portia Street. (East of Power Road and north of McDowell Road) **(District 5)**

Prohibiting Left Turns During Posted Hours From Driveways: 10-3-15 (C)

On the south side of Southern Avenue between 7:30 a.m. and 3:30 p.m., Monday through Friday from the driveways with centerlines approximately 210 feet east of Pima and 355 feet east of Pima. (Southern Avenue west of Mesa Drive) **(District 4)**

Speed Limits (45 mph): 10-4-3 and Speed Limits (35 mph): 10-4-5

Increase the speed limit from 35 mph to 45 mph on Signal Butte Road from a point 450 feet south of Elliot Road to the south City limits. (Signal Butte Road south of Elliot Road) **(District 6)**

*8b. **A08-08 (District 6)** Annexing land located south of Elliot Road between Ellsworth and Signal Butte Roads (3,137.43± ac). Initiated by Grady Gammage, Jr. Esq., Gammage & Burnham PLC representing the property owner. **(Consent Agenda: To continue to November 3, 2008 Council meeting.)**

*8c. **Z08-55 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from Maricopa County Rural 43 with a Special Use Permit for a Proving Grounds to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with Conditions. (Vote: 4-0-3 with Boardmembers Roberts and Salas absent and Coons abstaining). **(Consent Agenda: To continue to November 3, 2008 Council meeting.)**

- *8d. **Z08-56 (District 6) – Deleted. (See Agenda Item 7b)**
- *8e. Amending Section 9-6-4 of the Mesa City Code to allow alternative streetlighting standards in portions of the proposed Mesa Proving Grounds project. **(District 6) (Consent Agenda: To continue to November 3, 2008 Council meeting.)**
- *8f. **Z08-59 (District 5)** The 7300 to 7400 blocks of East Hermosa Vista Drive (south side). Located north of McKellips Road and west of Sossaman Road (12.74± ac.). Rezone from R1-15 to R1-15 PAD and Site Plan Review. This request will allow for the development of a single residential subdivision. Don Sutherland, owner; Danny Perkinson, applicant; Clint Garner, Allen Consulting Engineers, Inc., engineer – Ordinance No. 4887. ***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 with Boardmember Perkinson absent.)

- *8g. **Z08-61 (District 6)** 4908 South Ellsworth Road. Located south of Warner Road on the west side of Ellsworth Road (10± acres). Rezone from AG to M-1 and Site Plan Review. This request will allow the construction of a plumbing supply company and other related industrial and commercial uses. Ross N. Farnsworth, owner; Reese L. Anderson, Pew and Lake, PLC, applicant – Ordinance No. 4888. ***(Held a neighborhood meeting, notified property owners.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0-2 with Boardmembers Perkinson absent and Coons abstaining.)

- *8h. **A07-07 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac). Initiated by the property owner, James A. Ford. **(Continued from the August 18, 2008 Council meeting.) (Consent Agenda: To continue to November 3, 2008 Council meeting.)**
- *8i. **A07-33 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (3.36 ± ac). Initiated by one of the property owners, Stephen J. Hagerman. **(Continued from the August 18, 2008 Council meeting.) (Consent Agenda: To continue to November 3, 2008 Council meeting.)**

9. Take action on the following subdivision plat:

- *9a. **“FIRST PECOS AND POWER” (District 6)** 6927 East Pecos Road (south side) located south and east of Pecos Road and Power Road. 5 M-1 industrial lots (35.73 ac) FR/CAL Mesa Power, LLC, Paul Matthews, owner; Joe Burke, Burke Engineering Group, engineer.
- *9.1. Take action on the adoption of a Notice of Intent to enter into a retail development tax incentive agreement (“bed tax”) with DMB Mesa Proving Grounds, LLC, a Delaware limited liability company, and Gaylord Mesa, LLC, a Delaware limited liability company, for the development of approximately 335 acres of the former General Motors Proving Grounds facility, located generally at the south of Elliot Road and east of Ellsworth Road.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:00 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 20th day of October 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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